

In the Office Action, claims 1-4, 6-11, and 19-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rappaport (U.S. Pat. Pub. No. 2002/0007285).

Specifically, the Office Action states that the Rappaport discloses each of the limitations of said claims. Additionally, claims 5 and 12-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rappaport in view of Tallman (U.S. Pat. No. 5,964,700).

Finally, the drawings of the application were objected to as allegedly using different reference numbers to refer to the same elements. Reconsideration of the rejections and objection is respectfully requested.

The Rappaport claims priority to a provisional application filed June 18, 1999. Although the fact that Rappaport claims priority to such application does not establish that Rappaport is entitled to the filing date of the provisional application, whether or not Rappaport is entitled to a priority of date of June 18, 1999 needs not be determined since the applicant of the present invention conceived of the present invention before June 18, 1999 and worked with continuous diligence toward an actual reduction practice at least until the priority date of the present application (i.e., September 6, 2000). It is noted that Rappaport does not claim the same invention as claimed by applicant (see 37 C.F.R. § 41.200, *et seq.*). As evidenced by the attached Declaration, Pursuant to 37 C.F.R. § 1.131, of James G. Norman, Jr., M.D., applicant conceived of the invention, in this country before June 18, 1999. Applicant also exercised continued diligence in this country at least from a time prior to June 18, 1999 to the date of priority for the present application (i.e., September 6, 2000).

The attached Declaration establishes conception of the invention in this country prior to June 18, 1999 coupled with due diligence in this country from prior to said date

to a constructive reduction to practice, as required under 37 CFR § 1.131(b). This showing is therefore sufficient to overcome the Rappaport as 102(e) prior art. Thus, the rejection of claims 1-20 based upon Rappaport alone or in combination with Tallman should now be withdrawn.


As for the objection to the drawing figures, 37 CFR §1.84(p)(4) states that “the same reference character must never be used to designate different parts.” As mentioned in Applicant’s Response To the Office Action Mailed March 21, 2007, the server’s terminal keyboard 30 and user’s terminal keyboard 36 are different keyboards that occupy different regions of space. The Examiner apparently suggests that because the specification does not state the differences between both keyboards, the keyboards must be the same “part” (as the term “part” is used in the context of 37 CFR §1.84). The specification does explicitly state the differences between the keyboards, namely, one is server’s terminal keyboard and one is the user’s terminal keyboard. Even if the keyboards are the same model, as is quite possible to occur albeit rarely, they can not possibly be the same “part.” As such, amending the drawings as requested in the Office Action would violate 37 CFR §1.84(p)(4) and therefore Applicant can not lawfully make such an amendment, despite the Examiner’s request. The same logic applies to the other objections made regarding the drawing figures. For these reasons, Applicant requests the objection to the drawings be withdrawn or the Examiner provide legal support for making an amendment in violation of 37 CFR §1.84.

In view of the foregoing, applicant submits that the present application is in condition for allowance and notification to that effect is earnestly solicited at the

Examiner's earliest convenience. The Examiner is invited to contact the undersigned by telephone if any other matters require resolution prior to notification of allowance.

Respectfully submitted,
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